

**OCCUPATIONAL SAFETY  
AND HEALTH STANDARDS BOARD**

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**PROPOSED PETITION DECISION OF THE  
OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD  
(PETITION FILE NO. 523)**

**INTRODUCTION**

The Occupational Safety and Health Standards Board (Board) received a petition on April 23, 2011, from Herb Higgins (Petitioner) representing Silverline Construction. The Petitioner requests the Board to amend Title 8, California Code of Regulations, Section 1630 of the Construction Safety Orders, concerning the requirement to provide construction personnel hoists (CPHs) for worker access to parking garages during construction. The Petitioner requested the Board to exclude parking garages from the requirements of Section 1630 for CPHs.

Labor Code section 142.2 permits interested persons to propose new or revised regulations concerning occupational safety and health and requires the Board to consider such proposals, and render a decision no later than six months following receipt. Further, as required by Labor Code section 147, any proposed occupational safety or health standard received by the Board from a source other than the Division of Occupational Safety and Health (Division) must be referred to the Division for evaluation, and the Division has 60 days after receipt to submit a report on the proposal.

**SUMMARY**

Section 1630 provides in relevant part that a CPH for hoisting workers shall be installed and in operation on or in any building or structure 60 feet or more in height above ground level.

The Petitioner acknowledges that a CPH may be appropriate for some buildings and certain structures, but he does not understand the rationale for requiring a CPH during the construction of parking garages. He notes that parking garages have stairs as well as ramps that forklifts, cars, and trucks have access to, and thus he is of the opinion there is little need to apply Section 1630 to parking garages. He therefore requests the Board to exclude all parking garages from Section 1630 requirements for a CPH.

**DIVISION'S EVALUATION**

The Division's evaluation report dated July 29, 2011, states the Division does not agree with the Petitioner that the exception should be broadened to include all parking garages, because where construction personnel hoists can be installed, they provide greater health and safety protection. The Division recommends that the Board deny the petition.

## STAFF'S EVALUATION

Board staff prepared an evaluation dated July 11, 2011, which states that Section 1630(a) includes an exception to the rule requiring CPHs for structures 60 feet or more in height if there are unusual site conditions or where unusual structure configurations exist. Prefabricated parking structures are listed as an example of an unusual structural configuration, exempt from the CPH requirement.

### Structural Considerations

Prefabricated parking structures are made up of precast units which are assembled at the jobsite. Their modular construction does not give them the structural integrity to withstand external loading such as would be created by attachment of a tower for a temporary construction elevator. A CPH tower requires bracing for stability, and all external loads are essentially transmitted to individual precast beams only. Thus it was not considered feasible to install temporary elevators on prefabricated parking structures. Conversely, in cast-in-place concrete construction, decks, columns and beams are all tied-in with reinforcing bars buried in the pour, creating the structural integrity necessary to support external loading such as CPH towers, because the loading is distributed.

### Access

The Petitioner thinks that stairs and ramps in a parking garage afford adequate means of access for personnel and that CPHs are therefore unnecessary. However, the cast-in-place concrete construction process limits access by vehicles to the upper levels where most of the work is being conducted. This is due to the need for placing and stripping falsework and forms on floors below as the work progresses upward. Depending on the speed of vertical construction, multiple floors can often be virtually impassible to vehicular traffic due to the falsework needed to pour the next level or to allow previously constructed levels to cure. Furthermore, stairs to the upper working levels can often be blocked or unavailable due to work in-progress.

### Variance

A variance application received in 2007 has some bearing on this petition. The subject structure in that case was a cast-in-place parking structure, and the Applicant was requesting permission to use electric powered personnel carts (similar to golf carts) in conjunction with two-way radios for communication and for summoning the personnel carts as alternative means of access. Both the Division and Board Staff were preparing to recommend denial of that request on the basis that it did not provide equivalent safety; however, the variance application was withdrawn, and the Division implemented a case-by-case review of requests for CPH exemptions, in part due to that matter. The review program has been a success, and the Division continues to perform case-by-case reviews. These reviews have resulted in much more consistent enforcement as well as a more productive working relationship with contractors.

### Conclusion

As discussed above, ramps do not provide ready access to where the work is being conducted. In addition, stairs to the upper working levels can often be unavailable due to work in-progress. Without CPHs, workers will need to use stairs, ramps or other means to access to upper levels.

They also will have to haul materials, tools and equipment up and down stairs more often which could lead to more work related injuries. Medical services will be delayed, and evacuation of injured and ill workers will be hindered as well.

CPHs can travel at vertical speeds of 100 feet per minute or faster, whereas a cart or other vehicular access on ramps, where even possible in cast-in-place construction, is slowed by the greater travel distance as well as interference with other construction activities along the way. Falsework for new and recently poured levels above will generally prevent or greatly hinder ramp access to the topmost working levels where it is likely to be most needed, thus slowing emergency rescue operations which are required by Section 1512.

For the reasons discussed above, Board staff recommends that the petition to exclude all parking garages from the requirements of section 1630 be denied.

#### CONCLUSION AND ORDER

The Board has considered the petition and the recommendations of the Division and Board staff. For the reasons stated in the preceding discussion, the petition is denied.